

1           (1) determine whether the person is a repeat sexually  
2 violent offender and whether the person is likely to commit a  
3 sexually violent offense after release or discharge;

4           (2) give notice of that determination to the Texas  
5 Department of Criminal Justice or the Texas Department of Mental  
6 Health and Mental Retardation, as appropriate; and

7           (3) recommend the assessment of the person for a  
8 behavioral abnormality, as appropriate.

9           Sec. 841.023. ASSESSMENT FOR BEHAVIORAL ABNORMALITY.

10 (a) Not later than the 30th day after the date of a recommendation  
11 under Section 841.022(c), the Texas Department of Criminal Justice  
12 or the Texas Department of Mental Health and Mental Retardation, as  
13 appropriate, shall determine whether the person suffers from a  
14 behavioral abnormality that makes the person likely to engage in a  
15 predatory act of sexual violence. To aid in the determination, the  
16 department required to make the determination shall use an expert  
17 to examine the person. That department may contract for the expert  
18 services required by this subsection. The expert shall make a  
19 clinical assessment based on testing for psychopathy, a clinical  
20 interview, and other appropriate assessments and techniques to aid  
21 in the determination.

22           (b) If the Texas Department of Criminal Justice or the Texas  
23 Department of Mental Health and Mental Retardation determines that  
24 the person suffers from a behavioral abnormality, the department  
25 making the determination shall give notice of that determination  
26 and provide corresponding documentation to the attorney

1 representing the state not later than the 30th day after the date  
2 of a recommendation under Section 841.022(c).

3 [Sections 841.024-841.040 reserved for expansion]

4 SUBCHAPTER C. PETITION ALLEGING PREDATOR STATUS

5 Sec. 841.041. PETITION ALLEGING PREDATOR STATUS. (a) If a  
6 person is referred to the attorney representing the state under  
7 Section 841.023, the attorney may file, in a Montgomery County  
8 district court other than a family district court, a petition  
9 alleging that the person is a sexually violent predator and stating  
10 facts sufficient to support the allegation.

11 (b) A petition described by Subsection (a) must be filed not  
12 later than the 60th day after the date the person is referred to  
13 the attorney representing the state.

14 [Sections 841.042-841.060 reserved for expansion]

15 SUBCHAPTER D. TRIAL

16 Sec. 841.061. TRIAL. (a) Not later than the 60th day after  
17 the date a petition is filed under Section 841.041, the judge shall  
18 conduct a trial to determine whether the person is a sexually  
19 violent predator.

20 (b) The person or the state is entitled to a jury trial on  
21 demand. A demand for a jury trial must be filed in writing not  
22 later than the 10th day before the date the trial is scheduled to  
23 begin.

24 (c) The person and the state are entitled to an immediate  
25 examination of the person by an expert.

26 (d) Additional rights of the person at the trial include the

1 following:

2 (1) the right to appear at the trial;

3 (2) the right to present evidence on the person's  
4 behalf;

5 (3) the right to cross-examine a witness who testifies  
6 against the person; and

7 (4) the right to view and copy all petitions and  
8 reports in the court file.

9 (e) The attorney representing the state may rely on the  
10 petition filed under Section 841.041 and supplement the petition  
11 with documentary evidence or live testimony.

12 Sec. 841.062. DETERMINATION OF PREDATOR STATUS. (a) The  
13 judge or jury shall determine whether, beyond a reasonable doubt,  
14 the person is a sexually violent predator. Either the state or the  
15 person is entitled to appeal the determination.

16 (b) A jury determination that the person is a sexually  
17 violent predator must be by unanimous verdict.

18 Sec. 841.063. CONTINUANCE. The judge may continue a trial  
19 conducted under Section 841.061 if the person is not substantially  
20 prejudiced by the continuance and:

21 (1) on the request of either party and a showing of  
22 good cause; or

23 (2) on the judge's own motion in the due  
24 administration of justice.

25 Sec. 841.064. MISTRIAL. A trial following a mistrial must  
26 begin not later than the 90th day after the date a mistrial was

1 declared in the previous trial, unless the later trial is continued  
2 as provided by Section 841.063.

3 [Sections 841.065-841.080 reserved for expansion]

4 SUBCHAPTER E. CIVIL COMMITMENT

5 Sec. 841.081. CIVIL COMMITMENT OF PREDATOR. If at a trial  
6 conducted under Subchapter D the judge or jury determines that the  
7 person is a sexually violent predator, the judge shall commit the  
8 person for outpatient treatment and supervision to be coordinated  
9 by the case manager. The outpatient treatment and supervision must  
10 begin on the person's release from a secure correctional facility  
11 or discharge from a state hospital and must continue until the  
12 person's behavioral abnormality has changed to the extent that the  
13 person is no longer likely to engage in a predatory act of sexual  
14 violence.

15 Sec. 841.082. COMMITMENT REQUIREMENTS. (a) Before entering  
16 an order directing a person's outpatient civil commitment, the  
17 judge shall impose on the person requirements necessary to ensure  
18 the person's compliance with treatment and supervision and to  
19 protect the community. The requirements shall include:

20 (1) requiring the person to reside in a particular  
21 location;

22 (2) prohibiting the person's contact with a victim or  
23 potential victim of the person;

24 (3) prohibiting the person's use of alcohol or a  
25 controlled substance;

26 (4) requiring the person's participation in a specific

1 course of treatment;

2 (5) requiring the person to submit to tracking under a  
3 particular type of tracking service and to any other appropriate  
4 supervision;

5 (6) prohibiting the person from changing the person's  
6 residence without prior authorization from the judge and from  
7 leaving the state without that authorization;

8 (7) if determined appropriate by the judge,  
9 establishing a child safety zone in the same manner as a child  
10 safety zone is established by a judge under Section 13B, Article  
11 42.12, Code of Criminal Procedure, and requiring the person to  
12 comply with requirements related to the safety zone;

13 (8) requiring the person to notify the case manager  
14 within 48 hours of any change in the person's status that affects  
15 proper treatment and supervision, including a change in the  
16 person's physical health or job status and including any  
17 incarceration of the person; and

18 (9) any other requirements determined necessary by the  
19 judge.

20 (b) The judge shall provide a copy of the requirements  
21 imposed under Subsection (a) to the person and to the council. The  
22 council shall provide a copy of those requirements to the case  
23 manager and to the service providers.

24 (c) Immediately after the person's commitment, the judge  
25 shall transfer jurisdiction of the case to a district court, other  
26 than a family district court, having jurisdiction in the county in

1 which the defendant is residing.

2 Sec. 841.083. TREATMENT; SUPERVISION. (a) The council  
3 shall approve and contract for the provision of a treatment plan  
4 for the committed person to be developed by the treatment provider.  
5 A treatment plan may include the monitoring of the person with a  
6 polygraph or plethysmograph. The treatment provider may receive  
7 annual compensation in an amount not to exceed \$6,000 for providing  
8 the required treatment.

9 (b) The case manager shall provide supervision to the  
10 person. The provision of supervision shall include tracking  
11 services and, if required by court order, supervised housing.

12 (c) The council shall enter into an interagency agreement  
13 with the Texas Department of Public Safety for the provision of  
14 tracking services. The Department of Public Safety shall contract  
15 with the General Services Commission for the equipment necessary to  
16 implement those services.

17 (d) The council shall contract for any necessary supervised  
18 housing. The committed person may not be housed for any period of  
19 time in a mental health facility, state school, or community  
20 center. In this subsection:

21 (1) "Community center" means a center established  
22 under Subchapter A, Chapter 534.

23 (2) "Mental health facility" has the meaning assigned  
24 by Section 571.003.

25 (3) "State school" has the meaning assigned by Section  
26 531.002.

1           (e) The case manager shall:

2                   (1) coordinate the outpatient treatment and  
3 supervision required by this chapter, including performing a  
4 periodic assessment of the success of that treatment and  
5 supervision;

6                   (2) make timely recommendations to the judge on  
7 whether to allow the committed person to change residence or to  
8 leave the state and on any other appropriate matters; and

9                   (3) provide a report to the council, semiannually or  
10 more frequently as necessary, which must include:

11                           (A) any known change in the person's status that  
12 affects proper treatment and supervision; and

13                                   (B) any recommendations made to the judge.

14           Sec. 841.084. PROVIDER STATUS REPORTS. A treatment provider  
15 or a supervision provider other than the case manager shall submit,  
16 monthly or more frequently if required by the case manager, a  
17 report to the case manager stating whether the person is complying  
18 with treatment or supervision requirements, as applicable.

19           Sec. 841.085. CRIMINAL PENALTY. A person commits an offense  
20 if the person violates a requirement imposed under Section 841.082.  
21 An offense under this section is a felony of the third degree.

22           [Sections 841.086-841.100 reserved for expansion]

23                   SUBCHAPTER F. COMMITMENT REVIEW

24           Sec. 841.101. BIENNIAL EXAMINATION. (a) A person committed  
25 under Section 841.081 shall receive a biennial examination. The  
26 council shall contract for an expert to perform the examination.

1           (b) In preparation for a judicial review conducted under  
2           Section 841.102, the case manager shall provide a report of the  
3           biennial examination to the judge. The report must include  
4           consideration of whether to modify a requirement imposed on the  
5           person under this chapter and whether to release the person from  
6           all requirements imposed on the person under this chapter. The  
7           case manager shall provide a copy of the report to the council.

8           Sec. 841.102. BIENNIAL REVIEW. (a) The judge shall conduct  
9           a biennial review of the status of the committed person.

10           (b) The person is entitled to be represented by counsel at  
11           the biennial review, but the person is not entitled to be present  
12           at that review.

13           (c) The judge shall set a hearing if the judge determines at  
14           the biennial review that:

15                   (1) a requirement imposed on the person under this  
16                   chapter should be modified; or

17                   (2) probable cause exists to believe that the person's  
18                   behavioral abnormality has changed to the extent that the person is  
19                   no longer likely to engage in a predatory act of sexual violence.

20           Sec. 841.103. HEARING. (a) At a hearing set by the judge  
21           under Section 841.102, the person and the state are entitled to an  
22           immediate examination of the person by an expert.

23           (b) If the hearing is set under Section 841.102(c)(1),  
24           hearsay evidence is admissible if it is considered otherwise  
25           reliable by the judge.

26           (c) If the hearing is set under Section 841.102(c)(2), the

1 committed person is entitled to be present and to have the benefit  
2 of all constitutional protections provided to the person at the  
3 initial civil commitment proceeding. On the request of the person  
4 or the attorney representing the state, the court shall conduct the  
5 hearing before a jury. The burden of proof at that hearing is on  
6 the state to prove beyond a reasonable doubt that the person's  
7 behavioral abnormality has not changed to the extent that the  
8 person is no longer likely to engage in a predatory act of sexual  
9 violence.

10 [Sections 841.104-841.120 reserved for expansion]

11 SUBCHAPTER G. PETITION FOR RELEASE

12 Sec. 841.121. AUTHORIZED PETITION FOR RELEASE. (a) If the  
13 case manager determines that the committed person's behavioral  
14 abnormality has changed to the extent that the person is no longer  
15 likely to engage in a predatory act of sexual violence, the case  
16 manager shall authorize the person to petition the court for  
17 release.

18 (b) The petitioner shall serve a petition under this section  
19 on the court and the attorney representing the state.

20 (c) The judge shall set a hearing on a petition under this  
21 section not later than the 30th day after the date the judge  
22 receives the petition. The petitioner and the state are entitled  
23 to an immediate examination of the petitioner by an expert.

24 (d) On request of the petitioner or the attorney  
25 representing the state, the court shall conduct the hearing before  
26 a jury.

1           (e) The burden of proof at the hearing is on the state to  
2 prove beyond a reasonable doubt that the petitioner's behavioral  
3 abnormality has not changed to the extent that the petitioner is no  
4 longer likely to engage in a predatory act of sexual violence.

5           Sec. 841.122. RIGHT TO FILE UNAUTHORIZED PETITION FOR  
6 RELEASE. On a person's commitment and annually after that  
7 commitment, the case manager shall provide the person with written  
8 notice of the person's right to file with the court and without the  
9 case manager's authorization a petition for release.

10          Sec. 841.123. REVIEW OF UNAUTHORIZED PETITION FOR RELEASE.

11          (a) If the committed person files a petition for release without  
12 the case manager's authorization, the person shall serve the  
13 petition on the court and the attorney representing the state.

14          (b) On receipt of a petition for release filed by the  
15 committed person without the case manager's authorization, the  
16 judge shall attempt as soon as practicable to review the petition.

17          (c) Except as provided by Subsection (d), the judge shall  
18 deny without a hearing a petition for release filed without the  
19 case manager's authorization if the petition is frivolous or if:

20                 (1) the petitioner previously filed without the case  
21 manager's authorization another petition for release; and

22                 (2) the judge determined on review of the previous  
23 petition or following a hearing that:

24                         (A) the petition was frivolous; or

25                         (B) the petitioner's behavioral abnormality had  
26 not changed to the extent that the petitioner was no longer likely

1 to engage in a predatory act of sexual violence.

2 (d) The judge is not required to deny a petition under  
3 Subsection (c) if probable cause exists to believe that the  
4 petitioner's behavioral abnormality has changed to the extent that  
5 the petitioner is no longer likely to engage in a predatory act of  
6 sexual violence.

7 Sec. 841.124. HEARING ON UNAUTHORIZED PETITION FOR RELEASE.

8 (a) If as authorized by Section 841.123 the judge does not deny a  
9 petition for release filed by the committed person without the case  
10 manager's authorization, the judge shall conduct as soon as  
11 practicable a hearing on the petition.

12 (b) The petitioner and the state are entitled to an  
13 immediate examination of the person by an expert.

14 (c) On request of the petitioner or the attorney  
15 representing the state, the court shall conduct the hearing before  
16 a jury.

17 (d) The burden of proof at the hearing is on the state to  
18 prove beyond a reasonable doubt that the petitioner's behavioral  
19 abnormality has not changed to the extent that the petitioner is no  
20 longer likely to engage in a predatory act of sexual violence.

21 [Sections 841.125-841.140 reserved for expansion]

22 SUBCHAPTER H. MISCELLANEOUS PROVISIONS

23 Sec. 841.141. RULEMAKING AUTHORITY. (a) The council by  
24 rule shall administer this chapter. Rules adopted by the council  
25 under this section must be consistent with the purposes of this  
26 chapter.

1           (b) The council by rule shall develop standards of care and  
2 case management for persons committed under this chapter.

3           Sec. 841.142. RELEASE OR EXCHANGE OF INFORMATION. (a) To  
4 protect the public and to enable a determination relating to  
5 whether a person is a sexually violent predator, any entity that  
6 possesses relevant information relating to the person shall release  
7 the information to an entity charged with making a determination  
8 under this chapter.

9           (b) To protect the public and to enable the provision of  
10 supervision and treatment to a person who is a sexually violent  
11 predator, any entity that possesses relevant information relating  
12 to the person shall release the information to the case manager.

13           (c) On the written request of any attorney for another state  
14 or a political subdivision in another state, the Texas Department  
15 of Criminal Justice, the council, a service provider contracting  
16 with one of those agencies, the multidisciplinary team, and the  
17 attorney representing the state shall release to the attorney any  
18 available information relating to a person that is sought in  
19 connection with an attempt to civilly commit the person as a  
20 sexually violent predator in another state.

21           (d) To protect the public and to enable a determination  
22 relating to whether a person is a sexually violent predator or to  
23 enable the provision of supervision and treatment to a person who  
24 is a sexually violent predator, the Texas Department of Criminal  
25 Justice, the council, a service provider contracting with one of  
26 those agencies, the multidisciplinary team, and the attorney

1 representing the state may exchange any available information  
2 relating to the person.

3 (e) Information subject to release or exchange under this  
4 section includes information relating to the supervision,  
5 treatment, criminal history, or physical or mental health of the  
6 person, as appropriate, regardless of whether the information is  
7 otherwise confidential and regardless of when the information was  
8 created or collected. The person's consent is not required for  
9 release or exchange of information under this section.

10 Sec. 841.143. REPORT, RECORD, OR STATEMENT SUBMITTED TO  
11 COURT. (a) A psychological report, drug and alcohol report,  
12 treatment record, diagnostic report, medical record, or victim  
13 impact statement submitted to the court under this chapter is part  
14 of the record of the court.

15 (b) Notwithstanding Subsection (a), the report, record, or  
16 statement must be sealed and may be opened only:

17 (1) on order of the judge;

18 (2) as provided by this chapter; or

19 (3) in connection with a criminal proceeding as  
20 otherwise provided by law.

21 Sec. 841.144. COUNSEL. (a) At all stages of the civil  
22 commitment proceedings under this chapter, a person subject to a  
23 proceeding is entitled to the assistance of counsel.

24 (b) If the person is indigent, the court shall appoint  
25 counsel through the Office of State Counsel for Offenders to assist  
26 the person.

1           Sec. 841.145. EXPERT. (a) A person who is examined under  
2 this chapter may retain an expert to perform an examination or  
3 participate in a civil commitment proceeding on the person's  
4 behalf.

5           (b) On the request of an indigent person examined under this  
6 chapter, the judge shall determine whether expert services for the  
7 person are necessary. If the judge determines that the services  
8 are necessary, the judge shall appoint an expert to perform an  
9 examination or participate in a civil commitment proceeding on the  
10 person's behalf.

11           (c) The court shall approve reasonable compensation for  
12 expert services rendered on behalf of an indigent person on the  
13 filing of a certified compensation claim supported by a written  
14 statement specifying:

- 15                   (1) time expended on behalf of the person;  
16                   (2) services rendered on behalf of the person;  
17                   (3) expenses incurred on behalf of the person; and  
18                   (4) compensation received in the same case or for the  
19 same services from any other source.

20           (d) The court shall ensure that an expert retained or  
21 appointed under this section has for purposes of examination  
22 reasonable access to a person examined under this chapter, as well  
23 as to all relevant medical and psychological records and reports.

24           Sec. 841.146. CIVIL COMMITMENT PROCEEDING; PROCEDURE AND  
25 COSTS. (a) On request, a person subject to a civil commitment  
26 proceeding under this chapter and the attorney representing the

1 state are entitled to a jury trial or a hearing before a jury for  
2 that proceeding, except for a proceeding set by the judge under  
3 Section 841.102(c)(1). The number and selection of jurors are  
4 governed by Chapter 33, Code of Criminal Procedure.

5 (b) A civil commitment proceeding is subject to the rules of  
6 procedure and appeal for civil cases.

7 (c) In an amount not to exceed \$1,600, the state shall pay  
8 the costs of a civil commitment proceeding conducted under  
9 Subchapter D. For any civil commitment proceeding conducted under  
10 this chapter, the state shall pay the costs of state or appointed  
11 counsel or experts and the costs of the person's outpatient  
12 treatment and supervision.

13 Sec. 841.147. IMMUNITY. The following persons are immune  
14 from liability for good faith conduct under this chapter:

15 (1) an employee or officer of the Texas Department of  
16 Criminal Justice, the Texas Department of Mental Health and Mental  
17 Retardation, or the council;

18 (2) a member of the multidisciplinary team established  
19 under Section 841.022;

20 (3) the attorney representing the state; and

21 (4) a person contracting, appointed, or volunteering  
22 to perform a service under this chapter.

23 SECTION 4.02. Subsections (a) and (b), Section 51.13, Family  
24 Code, are amended to read as follows:

25 (a) Except as provided by Subsection (d), an order of  
26 adjudication or disposition in a proceeding under this title is not

1 a conviction of crime. Except as provided by Chapter 841, Health  
2 and Safety Code, an order of adjudication or disposition[~~7~~and]  
3 does not impose any civil disability ordinarily resulting from a  
4 conviction or operate to disqualify the child in any civil service  
5 application or appointment.

6 (b) The adjudication or disposition of a child or evidence  
7 adduced in a hearing under this title may be used only in  
8 subsequent:

9 (1) proceedings under this title in which the child is  
10 a party;

11 (2) [~~or--in--subsequent~~] sentencing proceedings in  
12 criminal court against the child to the extent permitted by the  
13 Texas Code of Criminal Procedure, 1965; or

14 (3) civil commitment proceedings under Chapter 841,  
15 Health and Safety Code.

16 SECTION 4.03. Section 61.066, Human Resources Code, is  
17 amended to read as follows:

18 Sec. 61.066. COMMITMENT RECORDS. A commitment to the  
19 commission may not be received in evidence or used in any way in  
20 any proceedings in any court except in:

21 (1) subsequent proceedings under Title 3[~~7~~] of the  
22 Family Code against the same child;

23 (2) [~~7---and---except---in~~] imposing sentence in any  
24 criminal proceedings against the same person; or

25 (3) subsequent civil commitment proceedings under  
26 Chapter 841, Health and Safety Code, regarding the same person.



\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 365 passed the Senate on April 19, 1999, by a viva-voce vote; May 20, 1999, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 24, 1999, House granted request of the Senate; May 30, 1999, Senate adopted Conference Committee Report by a viva-voce vote.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 365 passed the House, with amendments, on May 19, 1999, by a non-record vote; May 24, 1999, House granted request of the Senate for appointment of Conference Committee; May 30, 1999, House adopted Conference Committee Report by a non-record vote.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor

**LEGISLATIVE BUDGET BOARD**  
Austin, Texas

**FISCAL NOTE, 76th Regular Session**

May 29, 1999

**TO:** Honorable Rick Perry, Lieutenant Governor  
Honorable James E. "Pete" Laney, Speaker of the House

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE:** SB365 by Brown, J.E. "Buster" (Relating to the continuation and the functions of the Texas Department of Criminal Justice, the administration of the Private Sector Prison Industries Oversight Authority, the administration of the Texas Council on Offenders with Mental Impairments, and the civil commitment of sexually violent predators.), Conference Committee Report

**Estimated Two-year Net Impact to General Revenue Related Funds for SB365, Conference Committee Report:** positive impact of \$27,153,206 through the biennium ending August 31, 2001.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Net Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2000	\$13,761,030
2001	13,392,176
2002	12,890,951
2003	12,695,451
2004	12,495,951

**All Funds, Five-Year Impact:**

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 0001	Probable Savings/(Cost) from General Revenue Fund 0001	Probable Revenue Gain/(Loss) from General Revenue Fund 0001	Probable Revenue Gain/(Loss) from Industrial Revolving Account/GR-Dedicated 0156	Change in Number of State Employees from FY 1999
2000	\$ (2,484,150)	\$ 1,040,000	\$ 15,205,180	\$ (14,502,000)	36.0
2001	(2,853,004)	1,040,000	15,205,180	(14,502,000)	36.0
2002	(3,354,229)	1,040,000	15,205,180	(14,502,000)	36.0
2003	(3,549,729)	1,040,000	15,205,180	(14,502,000)	36.0
2004	(3,749,229)	1,040,000	15,205,180	(14,502,000)	36.0

**Fiscal Analysis**

The bill would amend Chapters 492 and 493, Government Code, to continue the Texas Board of Criminal Justice and Texas Department of Criminal Justice (TDCJ) for 12 years.

The bill would abolish GR-Dedicated Industrial Revolving Account No. 156, which would remove dedication from the account and would require receipts from the sale of Texas Correctional Industries articles and products to be deposited as undedicated to the General Revenue Fund 001. Under provisions of the bill, TDCJ's Texas Correctional Industries (TCI) could continue to use appropriated money in amounts corresponding to receipts from the sale of TCI articles and products.

Under provisions of the bill, a judge would no longer be required to direct local community supervision and corrections departments to complete a postsentence report in a felony case. The judge would maintain the authority to direct completion of postsentence reports at his/her discretion.

The bill would require judges to set fees for payment of residential aftercare by offenders on community supervision that are released from substance abuse felony punishment facilities. The fee amounts are determined by the judge with specific limitations as cited in the bill's provisions. Under provisions of the bill, collected fees would be remitted to the Comptroller to be deposited into the General Revenue Fund.

The bill would extend the requirement for work program record-keeping and documentation to an additional 49 TDCJ correctional units such as transfer facilities, state jails, contract prisons, and substance abuse felony punishment facilities. TDCJ would need additional correctional unit staff and related operating expenses to address the expanded responsibilities.

The bill would require the creation of a civil commitment procedure for the long-term supervision and treatment of sexually violent predators.

### **Methodology**

\* The Comptroller of Public Accounts estimates a \$14,502,000 gain to General Revenue Fund 001 as a result of removing the dedication of the Industrial Revolving Account No. 156.

\* Eliminating the requirement for judges to order the completion of postsentence reports would reduce costs to 122 local community supervision and corrections departments (CSCDs). Based on an annual distribution of \$4,951,700 to CSCDs from TDCJ for both presentence and postsentence reports, and assuming approximately 21 percent of reports are postsentence and would no longer be court-ordered, it is estimated \$1,040,000 in reduced costs would occur per fiscal year. To the extent judges would continue to order the completion of postsentence reports by CSCDs, respective costs would remain.

\* The Sunset Advisory Commission estimates \$703,180 general revenue per fiscal year would be generated as a result of provisions of the bill that require judges to set fees for payment of residential aftercare by offenders on community supervision that are released from substance abuse felony punishment facilities.

\* The Sunset Advisory Commission estimates a cost of \$675,762 per fiscal year to TDCJ for additional staff and related expenses due to the bill's provisions that extend the requirement for work program record-keeping and documentation to an additional 49 TDCJ correctional units. Sunset estimates that by grouping units together by geographical area and unit size, and using staff from nearby prison units, the added responsibilities could be handled by 23 additional employees.

The Interagency Council on Sex Offender Treatment would incur costs for an additional 2.5 FTE's. TDCJ would incur costs for reviewing offender files, requiring 11 additional FTE's. The Department of Public Safety (DPS) would incur costs for court-ordered tracking services for persons civilly committed.

### **Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 116 Sunset Advisory Commission, 304 Comptroller of Public Accounts,  
696 Department of Criminal Justice

LBB Staff: JK, MD, JN

**LEGISLATIVE BUDGET BOARD**  
Austin, Texas

**FISCAL NOTE, 76th Regular Session**

May 5, 1999

**TO:** Honorable Pat Haggerty, Chair, House Committee on Corrections

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE:** SB365 by Brown, J. E. "Buster" (Relating to the continuation and the functions of the Texas Department of Criminal Justice, the administration of the Private Sector Prison Industries Oversight Authority, and the administration of the Texas Council on Offenders with Mental Impairments.), **Committee Report 2nd House, Substituted**

**Estimated Two-year Net Impact to General Revenue Related Funds for SB365, Committee Report 2nd House, Substituted: positive impact of \$31,138,836 through the biennium ending August 31, 2001.**

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2000	\$15,569,418
2001	15,569,418
2002	15,569,418
2003	15,569,418
2004	15,569,418

**All Funds, Five-Year Impact:**

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 0001	Probable Savings/(Cost) from General Revenue Fund 0001	Probable Revenue Gain/(Loss) from General Revenue Fund 0001	Probable Revenue Gain/(Loss) from Industrial Revolving Account/ GR-Dedicated 0156	Change in Number of State Employees from FY 1999
2000	\$ (675,762)	\$ 1,040,000	\$ 15,205,180	\$ (14,502,000)	23.0
2001	(675,762)	1,040,000	15,205,180	(14,502,000)	23.0
2002	(675,762)	1,040,000	15,205,180	(14,502,000)	23.0
2003	(675,762)	1,040,000	15,205,180	(14,502,000)	23.0
2004	(675,762)	1,040,000	15,205,180	(14,502,000)	23.0

**Fiscal Analysis**

The bill would amend Chapters 492 and 493, Government Code, to continue the Texas Board of Criminal Justice and Texas Department of Criminal Justice (TDCJ) for 12 years, and to set the date for the next Sunset review as September 1, 2011.

The bill would abolish GR-Dedicated Industrial Revolving Account No. 156, which would remove dedication from the account and would require receipts from the sale of Texas Correctional Industries articles and products to be deposited as undedicated to the General Revenue Fund 001. Under provisions of the bill, TDCJ's Texas Correctional Industries (TCI) could continue to use appropriated money in amounts corresponding to receipts from the sale of TCI articles and products.

Under provisions of the bill, a judge would no longer be required to direct local community supervision and corrections departments to complete a postsentence report in a felony case. The judge would maintain the authority to direct completion of postsentence reports at his/her discretion.

The bill would require judges to set fees for payment of residential aftercare by offenders on community supervision that are released from substance abuse felony punishment facilities. The fee amounts are determined by the judge with specific limitations as cited in the bill's provisions. Under provisions of the bill, collected fees would be remitted to the Comptroller to be deposited into the General Revenue Fund.

The bill would extend the requirement for work program record-keeping and documentation to an additional 49 TDCJ correctional units such as transfer facilities, state jails, contract prisons, and substance abuse felony punishment facilities. TDCJ would need additional correctional unit staff and related operating expenses to address the expanded responsibilities.

### **Methodology**

\* The Comptroller of Public Accounts estimates a \$14,502,000 gain to General Revenue Fund 001 as a result of removing the dedication of the Industrial Revolving Account No. 156.

\* Eliminating the requirement for judges to order the completion of postsentence reports would reduce costs to 122 local community supervision and corrections departments (CSCDs). Based on an annual distribution of \$4,951,700 to CSCDs from TDCJ for both presentence and postsentence reports, and assuming approximately 21 percent of reports are postsentence and would no longer be court-ordered, it is estimated \$1,040,000 in reduced costs would occur per fiscal year. To the extent judges would continue to order the completion of postsentence reports by CSCDs, respective costs would remain.

\* The Sunset Advisory Commission estimates \$703,180 general revenue per fiscal year would be generated as a result of provisions of the bill that require judges to set fees for payment of residential aftercare by offenders on community supervision that are released from substance abuse felony punishment facilities.

\* The Sunset Advisory Commission estimates a cost of \$675,762 per fiscal year to TDCJ for additional staff and related expenses due to the bill's provisions that extend the requirement for work program record-keeping and documentation to an additional 49 TDCJ correctional units. Sunset estimates that by grouping units together by geographical area and unit size, and using staff from nearby prison units, the added responsibilities could be handled by 23 additional employees.

### **Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 116 Sunset Advisory Commission, 304 Comptroller of Public Accounts,  
696 Department of Criminal Justice

**LBB Staff:** JK, MD, JN

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 76th Regular Session**

April 22, 1999

**TO:** Honorable Pat Haggerty, Chair, House Committee on Corrections

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE:** SB365 by Brown, J. E. "Buster" (Relating to the continuation and the functions of the Texas Department of Criminal Justice, the administration of the Private Sector Prison Industries Oversight Authority, and the administration of the Texas Council on Offenders with Mental Impairments.), As Engrossed

**Estimated Two-year Net Impact to General Revenue Related Funds for SB365, As Engrossed:** positive impact of \$31,138,836 through the biennium ending August 31, 2001.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2000	\$15,569,418
2001	15,569,418
2002	15,569,418
2003	15,569,418
2004	15,569,418

**All Funds, Five-Year Impact:**

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 0001	Probable Savings/(Cost) from General Revenue Fund 0001	Probable Revenue Gain/(Loss) from General Revenue Fund 0001	Probable Revenue Gain/(Loss) from Industrial Revolving Account/GR-Dedicated 0156	Change in Number of State Employees from FY 1999
2000	\$ (675,762)	\$ 1,040,000	\$ 15,205,180	\$ (14,502,000)	23.0
2001	(675,762)	1,040,000	15,205,180	(14,502,000)	23.0
2002	(675,762)	1,040,000	15,205,180	(14,502,000)	23.0
2003	(675,762)	1,040,000	15,205,180	(14,502,000)	23.0
2004	(675,762)	1,040,000	15,205,180	(14,502,000)	23.0

**Fiscal Analysis**

The bill would amend Chapters 492 and 493, Government Code, to continue the Texas Board of Criminal Justice and Texas Department of Criminal Justice (TDCJ) for 12 years, and to set the date for the next Sunset review as September 1, 2011.

The bill would abolish GR-Dedicated Industrial Revolving Account No. 156, which would remove dedication from the account and would require receipts from the sale of Texas Correctional Industries articles and products to be deposited as undedicated to the General Revenue Fund 001. Under provisions of the bill, TDCJ's Texas Correctional Industries (TCI) could continue to use appropriated money in amounts corresponding to receipts from the sale of TCI articles and products.

Under provisions of the bill, a judge would no longer be required to direct local community supervision and corrections departments to complete a postsentence report in a felony case. The judge would maintain the authority to direct completion of postsentence reports at his/her discretion.

The bill would require judges to set fees for payment of residential aftercare by offenders on community supervision that are released from substance abuse felony punishment facilities. The fee amounts are determined by the judge with specific limitations as cited in the bill's provisions. Under provisions of the bill, collected fees would be remitted to the Comptroller to be deposited into the General Revenue Fund.

The bill would extend the requirement for work program record-keeping and documentation to an additional 49 TDCJ correctional units such as transfer facilities, state jails, contract prisons, and substance abuse felony punishment facilities. TDCJ would need additional correctional unit staff and related operating expenses to address the expanded responsibilities.

### **Methodology**

\* The Comptroller of Public Accounts estimates a \$14,502,000 gain to General Revenue Fund 001 as a result of removing the dedication of the Industrial Revolving Account No. 156.

\* Eliminating the requirement for judges to order the completion of postsentence reports would reduce costs to 122 local community supervision and corrections departments (CSCDs). Based on an annual distribution of \$4,951,700 to CSCDs from TDCJ for both presentence and postsentence reports, and assuming approximately 21 percent of reports are postsentence and would no longer be court-ordered, it is estimated \$1,040,000 in reduced costs would occur per fiscal year. To the extent judges would continue to order the completion of postsentence reports by CSCDs, respective costs would remain.

\* The Sunset Advisory Commission estimates \$703,180 general revenue per fiscal year would be generated as a result of provisions of the bill that require judges to set fees for payment of residential aftercare by offenders on community supervision that are released from substance abuse felony punishment facilities.

\* The Sunset Advisory Commission estimates a cost of \$675,762 per fiscal year to TDCJ for additional staff and related expenses due to the bill's provisions that extend the requirement for work program record-keeping and documentation to an additional 49 TDCJ correctional units. Sunset estimates that by grouping units together by geographical area and unit size, and using staff from nearby prison units, the added responsibilities could be handled by 23 additional employees.

### **Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 116 Sunset Advisory Commission, 304 Comptroller of Public Accounts,  
696 Department of Criminal Justice

**LBB Staff:** JK, MD, JN

**LEGISLATIVE BUDGET BOARD**  
Austin, Texas

**FISCAL NOTE, 76th Regular Session**

April 2, 1999

**TO:** Honorable Ken Armbrister, Chair, Senate Committee on Criminal Justice

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE:** SB365 by Brown, J. E. "Buster" (Relating to the continuation and the functions of the Texas Department of Criminal Justice, the administration of the Private Sector Prison Industries Oversight Authority, and the administration of the Texas Council on Offenders with Mental Impairments.), **Committee Report 1st House, Substituted**

**Estimated Two-year Net Impact to General Revenue Related Funds for SB365, Committee Report 1st House, Substituted:** positive impact of \$31,138,836 through the biennium ending August 31, 2001.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2000	\$15,569,418
2001	15,569,418
2002	15,569,418
2003	15,569,418
2004	15,569,418

**All Funds, Five-Year Impact:**

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 0001	Probable Savings/(Cost) from General Revenue Fund 0001	Probable Revenue Gain/(Loss) from General Revenue Fund 0001	Probable Revenue Gain/(Loss) from Industrial Revolving Account/ GR-Dedicated 0156	Change in Number of State Employees from FY 1999
2000	\$ (675,762)	\$ 1,040,000	\$ 15,205,180	\$ (14,502,000)	23.0
2001	(675,762)	1,040,000	15,205,180	(14,502,000)	23.0
2002	(675,762)	1,040,000	15,205,180	(14,502,000)	23.0
2003	(675,762)	1,040,000	15,205,180	(14,502,000)	23.0
2004	(675,762)	1,040,000	15,205,180	(14,502,000)	23.0

**Fiscal Analysis**

The bill would amend Chapters 492 and 493, Government Code, to continue the Texas Board of Criminal Justice and Texas Department of Criminal Justice (TDCJ) for 12 years, and to set the date for the next Sunset review as September 1, 2011.

The bill would abolish GR-Dedicated Industrial Revolving Account No. 156, which would remove dedication from the account and would require receipts from the sale of Texas Correctional Industries articles and products to be deposited as undedicated to the General Revenue Fund 001. Under provisions of the bill, TDCJ's Texas Correctional

Industries (TCI) could continue to use appropriated money in amounts corresponding to receipts from the sale of TCI articles and products.

Under provisions of the bill, a judge would no longer be required to direct local community supervision and corrections departments to complete a postsentence report in a felony case. The judge would maintain the authority to direct completion of postsentence reports at his/her discretion.

The bill would require judges to set fees for payment of residential aftercare by offenders on community supervision that are released from substance abuse felony punishment facilities. The fee amounts are determined by the judge with specific limitations as cited in the bill's provisions. Under provisions of the bill, collected fees would be remitted to the Comptroller to be deposited into the General Revenue Fund.

The bill would extend the requirement for work program record-keeping and documentation to an additional 49 TDCJ correctional units such as transfer facilities, state jails, contract prisons, and substance abuse felony punishment facilities. TDCJ would need additional correctional unit staff and related operating expenses to address the expanded responsibilities.

### **Methodology**

\* The Comptroller of Public Accounts estimates a \$14,502,000 gain to General Revenue Fund 001 as a result of removing the dedication of the Industrial Revolving Account No. 156.

\* Eliminating the requirement for judges to order the completion of postsentence reports would reduce costs to 122 local community supervision and corrections departments (CSCDs). Based on an annual distribution of \$4,951,700 to CSCDs from TDCJ for both presentence and postsentence reports, and assuming approximately 21 percent of reports are postsentence and would no longer be court-ordered, it is estimated \$1,040,000 in reduced costs would occur per fiscal year. To the extent judges would continue to order the completion of postsentence reports by CSCDs, respective costs would remain.

\* The Sunset Advisory Commission estimates \$703,180 general revenue per fiscal year would be generated as a result of provisions of the bill that require judges to set fees for payment of residential aftercare by offenders on community supervision that are released from substance abuse felony punishment facilities.

\* The Sunset Advisory Commission estimates a cost of \$675,762 per fiscal year to TDCJ for additional staff and related expenses due to the bill's provisions that extend the requirement for work program record-keeping and documentation to an additional 49 TDCJ correctional units. Sunset estimates that by grouping units together by geographical area and unit size, and using staff from nearby prison units, the added responsibilities could be handled by 23 additional employees.

### **Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

<b>Source</b>	116 Sunset Advisory Commission, 304 Comptroller of Public
<b>Agencies:</b>	Accounts, 696 Department of Criminal Justice
<b>LBB Staff:</b>	JK, MD, JN

**LEGISLATIVE BUDGET BOARD**  
Austin, Texas

**FISCAL NOTE, 76th Regular Session**

March 30, 1999

**TO:** Honorable Ken Armbrister, Chair, Senate Committee on Criminal Justice

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE:** SB365 by Brown, J. E. "Buster" (Relating to the continuation and the functions of the Texas Department of Criminal Justice, the administration of the Private Sector Prison Industries Oversight Authority, and the administration of the Texas Council on Offenders with Mental Impairments.), As Introduced

**Estimated Two-year Net Impact to General Revenue Related Funds for SB365, As Introduced:** positive impact of \$29,732,476 through the biennium ending August 31, 2001.  
The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2000	\$14,866,238
2001	14,866,238
2002	14,866,238
2003	14,866,238
2004	14,866,238

**All Funds, Five-Year Impact:**

Fiscal Year	Probable Savings/(Cost) from <i>General Revenue Fund 0001</i>	Probable Savings/(Cost) from <i>General Revenue Fund 0001</i>	Probable Revenue Gain/(Loss) from <i>General Revenue Fund 0001</i>	Probable Revenue Gain/(Loss) from <i>Industrial Revolving Account/ GR-Dedicated 0156</i>	Change in Number of State Employees from FY 1999
2000	\$ (675,762)	\$ 1,040,000	\$ 14,502,000	\$ (14,502,000)	23.0
2001	(675,762)	1,040,000	14,502,000	(14,502,000)	23.0
2002	(675,762)	1,040,000	14,502,000	(14,502,000)	23.0
2003	(675,762)	1,040,000	14,502,000	(14,502,000)	23.0
2004	(675,762)	1,040,000	14,502,000	(14,502,000)	23.0

**Fiscal Analysis**

The bill would amend Chapters 492 and 493, Government Code, to continue the Texas Board of Criminal Justice and Texas Department of Criminal Justice (TDCJ) for 12 years, and to set the date for the next Sunset review as September 1, 2011.

The bill would abolish GR-Dedicated Industrial Revolving Account No. 156, which would remove dedication from the account and would require receipts from the sale of Texas Correctional Industries articles and products to be deposited as undedicated to the General Revenue Fund 001. Under provisions of the bill, TDCJ's Texas Correctional Industries (TCI) could continue to use appropriated money in amounts corresponding to receipts from the sale of TCI articles and products.

Under provisions of the bill, a judge would no longer be required to direct local community supervision and corrections departments to complete a postsentence report in a felony case. The judge would maintain the authority to direct completion of postsentence reports at his/her discretion.

The bill would require judges to set fees for payment of residential aftercare by offenders on community supervision that are released from substance abuse felony punishment facilities. The language of the bill does not specify to whom the fees would be paid. The fee amounts are determined by the judge with specific limitations as cited in the bill's provisions.

The bill would extend the requirement for work program record-keeping and documentation to an additional 49 TDCJ correctional units such as transfer facilities, state jails, contract prisons, and substance abuse felony punishment facilities. TDCJ would need additional correctional unit staff and related operating expenses to address the expanded responsibilities.

### **Methodology**

\* The Comptroller of Public Accounts estimates a \$14,502,000 gain to General Revenue Fund 001 as a result of removing the dedication of the Industrial Revolving Account No. 156.

\* Eliminating the requirement for judges to order the completion of postsentence reports would reduce costs to 122 local community supervision and corrections departments (CSCDs). Based on an annual distribution of \$4,951,700 to CSCDs from TDCJ for both presentence and postsentence reports, and assuming approximately 21 percent of reports are postsentence and would no longer be court-ordered, it is estimated \$1,040,000 in reduced costs would occur per fiscal year. To the extent judges would continue to order the completion of postsentence reports by CSCDs, respective costs would remain.

\* The Sunset Advisory Commission estimates \$703,180 per fiscal year would be generated as a result of provisions of the bill that require judges to set fees for payment of residential aftercare by offenders on community supervision that are released from substance abuse felony punishment facilities. Because language of the bill does not specify to whom the fees would be paid, the Comptroller of Public Accounts indicates there is no mechanism to reduce any costs to the state for providing residential aftercare; therefore, any collected fees would go to the local judicial districts.

\* The Sunset Advisory Commission estimates a cost of \$675,762 per fiscal year to TDCJ for additional staff and related expenses due to the bill's provisions that extend the requirement for work program record-keeping and documentation to an additional 49 TDCJ correctional units. Sunset estimates that by grouping units together by geographical area and unit size, and using staff from nearby prison units, the added responsibilities could be handled by 23 additional employees.

### **Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 344 Commission on Human Rights, 301 Office of the Governor, 303 General Services Commission, 304 Comptroller of Public Accounts, 302 Office Of The Attorney General, 696 Department of Criminal Justice, 116 Sunset Advisory Commission

**LBB Staff:** JK, MD, JN

LEGISLATIVE BUDGET BOARD  
Criminal Justice Policy Impact Statement

May 5, 1999

TO: Honorable Pat Haggerty, Chair  
Committee on Corrections  
House  
Austin, Texas

IN RE: Senate Bill No. 365,  
Committee Report 2nd House,  
Substituted  
By: Brown, J. E. "Buster"

FROM: John Keel, Director

In response to your request for a Criminal Justice Policy Impact Statement on SB365 (Relating to the continuation and the functions of the Texas Department of Criminal Justice, the administration of the Private Sector Prison Industries Oversight Authority, and the administration of the Texas Council on Offenders with Mental Impairments.) this office has determined the following:

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

**LEGISLATIVE BUDGET BOARD**  
**Criminal Justice Policy Impact Statement**

April 22, 1999

**TO:** Honorable Pat Haggerty, Chair  
Committee on Corrections  
House  
Austin, Texas

**IN RE:** Senate Bill No. 365, As  
Engrossed  
By: Brown, J. E. "Buster"

**FROM:** John Keel, Director

In response to your request for a Criminal Justice Policy Impact Statement on SB365 (Relating to the continuation and the functions of the Texas Department of Criminal Justice, the administration of the Private Sector Prison Industries Oversight Authority, and the administration of the Texas Council on Offenders with Mental Impairments.) this office has determined the following:

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

**LEGISLATIVE BUDGET BOARD**  
**Criminal Justice Policy Impact Statement**

April 5, 1999

**TO:** Honorable Ken Armbrister, Chair  
Committee on Criminal Justice  
Senate  
Austin, Texas

**IN RE:** Senate Bill No. 365,  
Committee Report 1st House,  
Substituted

By: Brown, J. E.  
"Buster"

**FROM:** John Keel, Director

In response to your request for a Criminal Justice Policy Impact Statement on SB365 ( Relating to the continuation and the functions of the Texas Department of Criminal Justice, the administration of the Private Sector Prison Industries Oversight Authority, and the administration of the Texas Council on Offenders with Mental Impairments.) this office has determined the following:

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

LEGISLATIVE BUDGET BOARD

Criminal Justice Policy Impact Statement

March 29, 1999

TO: Honorable Ken Armbrister, Chair  
Committee on Criminal Justice  
Senate  
Austin, Texas

IN RE: Senate Bill No. 365  
By: Brown, J.E. "Buster"

FROM: John Keel, Director

In response to your request for a Criminal Justice Policy Impact Statement on SB365 (Relating to the continuation and the functions of the Texas Department of Criminal Justice, the administration of the Private Sector Prison Industries Oversight Authority, and the administration of the Texas Council on Offenders with Mental Impairments.) this office has determined the following:

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.